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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,714	05/23/2001	Ajit P. Paranjpe	021208.0238	1724

31625 7590 12/15/2003

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PATENT DEPARTMENT
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EXAMINER

RAO, SHRINIVAS H

ART UNIT PAPER NUMBER

2814

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/864,714	Applicant(s) PARANJPE ET AL.	
	Examiner Steven H. Rao	Art Unit 2814	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

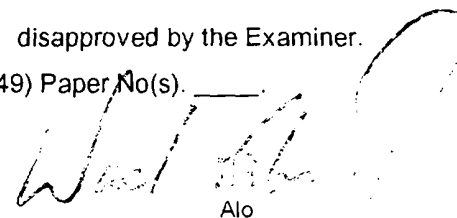
Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-6 and 8-26.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
10. ☐ Other: See Continuation Sheet


Alo

SUPERVISOR

Continuation of 10. Other: Applicants' have included in claim 1 the limitation previously recited in previously rejected claim 17 (heating the substrate to a temperature sufficiently low so that precursor adsorbed on the substrate is not thermally dissociated) over the applied reference Seutter (See Sutter para 61 last 4 lines, etc. which teach the above limitation). Applicants' contention that Kim and Suetter do not teach a thin AL₂O₃ film is not persuasive because (as stated in the final rejection) Kim in col. 4 lines 32-35, etc. teaches AL₂O₃ . Applicants' contention, " Seutter's use of plasma annealing after initial formation to reduce nitrogen content of one or sublayers does not make obvious Applicant's use of heating a substrate .. thermally disassociated" is not persuasive because Seutter in para 0021 and 0057 describes heating by several means including Ac power supply/ RF power and in para 0058 itself Seutter states " while not wishing to be bound by theory, It is believed that plasma annealing reduces nitrogen content of one or more sublayers" therefore the reduction of nitrogen content is a nonbinding theoretical explanation and Seutter's teaching of the plasma heating should not be limited to nitrogen reduction theory only and therefore Suetter renders Applicants' claim recitation obvious.

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Fax Cover Sheet

Date: 04 Dec 2003

To: Paula Heyman, Esq.	From: Steven H. Rao
Application/Control Number: 09/864,714	Art Unit: 2814
Fax No.: (512) 322-8328	Phone No.: (703) 3065945
Voice No.:	Return Fax No.: (703) 7463926
Re: 09/864714	CC:
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input type="checkbox"/> Per Your Request	

Comments:

As per your request enclosed in the curtesy copy of the Advisory Action.

Number of pages __ **including this page**

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